



February 20, 2019

The Honorable George C. Hanks, Jr.  
United States District Court for the  
Southern District of Texas  
United States Courthouse  
601 Rosenberg, Sixth Floor  
Galveston, Texas 77550

Re: *MOVE Texas Civic Fund et al. v. Whitley et al.*; Case No. 3:19-cv-00041: Proposal  
Regarding Conditions for Transfer of Case

Dear Judge Hanks:

During the hearing, the Court raised concerns as to the imminent need for relief against the County Defendants from taking any action based on Notices that have already been sent out to individuals. Counsel for Galveston County represented to the Court that Cheryl Johnson, the Galveston County Voter Registrar, agrees to take no action on the basis of Notices that have been already sent out based on the Secretary of State's voter purge list. Counsel for the remaining County Defendants did not provide that same representation.

Given the interests of judicial economy and the imminent need to ensure that voters are not unfairly and unconstitutionally removed from the rolls, Plaintiffs propose the following as conditions for transfer of this case to the Western District of Texas, and seek time to confer with counsel for all Defendants on these requests:

1. In the event of a transfer, counsel for all Defendants agree not to oppose the record remaining open on the current preliminary injunction hearing before Judge Biery in order for Plaintiffs in the current case to present argument and evidence.
2. County Defendants agree not to take any action to cancel voter registrations based on the Notices that have been sent to individuals on the basis of the Secretary of State's voter purge list and to not send any additional Notices on the basis of the list. This relief would apply until a decision is reached on Plaintiffs' request for preliminary relief.
3. Defendant Secretary of State agrees to issue an advisory to all counties to abstain from removing any individual from their voter rolls who was sent a Notice without the County conducting any additional independent investigation.

Counsel for Plaintiffs will promptly advise the Court as to the outcome of any meet and confer with Defendants' counsel regarding the above proposed conditions for transfer.

Respectfully,

Andre Segura (Attorney-in-Charge)  
Thomas Buser-Clancy  
Edgar Saldivar  
Brian Klosterboer  
*American Civil Liberties Union Foundation of Texas*

Mimi Marziani\*\*  
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ATTORNEYS FOR PLAINTIFFS

\*\* Pro hac vice application forthcoming

† Admitted in Massachusetts, not D.C.; practice consistent with D.C. App. R. 49(c)(3).

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served upon defense counsel via email and registered mail.

/s/Andre Segura  
Andre Segura